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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,626	04/25/2005	Friedrich Boccking	R.304052	6792

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EXAMINER

MCGRAW, TREVOR EDWIN

ART UNIT PAPER NUMBER

3752

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/532,626

Applicant(s)

BOECKING, FRIEDRICH

Examiner

Trevor McGraw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-27 is/are pending in the application.
- 4a) Of the above claim(s) 20-24 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 and 25-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 06/30/2006 have been fully considered but they are not persuasive. Applicant's assertion that there is no communication between the control chamber (58) and the valve chamber (78) via the second outlet conduit (74) is not true. Examiner brings to Applicant's attention that the control chamber (58) communicates with the valve chamber (78) via a communing flow path where fuel can pass from the control chamber (58) through the first inlet throttle (60) and the second outlet conduit (74) through throttle (86) and vice versa. Examiner notes that there is a flow path where fuel does communicate between the valve chamber (78) and the control chamber (58) and further asserts that the Stoecklein et al. reference does teach an outlet conduit (66") being located between the control valve and the low pressure side and that during the fuel injection process an imparted reactionary force is transmitted from the control chamber to the low pressure side through the valve chamber where communication or open path of flow exists between the control chamber and valve chamber through throttles and an outlet conduit. Applicant is directed to column 4 line 35 through column 6 line 67 of Stocklein et al. which clearly shows the communication of the valve chamber and the control chamber during the fuel injection process and how fuel can flow out of the control chamber (column 6 line 30-33).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

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(i.e., "Stoecklein et al. the bypass conduit 74 is not a outlet conduit for the control chamber 58) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-19 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoecklein et al. (US Patent Application Publication 2002/0134853).

In regard to claims 8-19 and 25-26, Stoecklein et al. teaches a fuel injection device for an internal combustion engine where the device comprises a control chamber (58), a control valve (76) that is movable in three positions-two end positions and at least one intermediary position that is located between a high pressure side (52) and a low pressure side (66") and operates to open or block communication of the control chamber (58) with the low pressure side (66"). Stoecklein et al. also teaches an outlet throttle (66") that is located between the control valve (76) and the low pressure side (66") with a piezoelectric actuator (68) means to move the control valve (68) between all three positions where the control valve blocks communication between the low pressure side and the control chamber in its first position, communication between the control

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chamber and the low pressure side via the first outlet conduit (66) when the control valve is in its second position and communication between the control chamber and the low pressure side via a second outlet conduit (74) when the control valve is in its third position. The fuel injection device of Stoecklein et al. further teaches a fuel injection device having an outlet throttle (86) of the second outlet conduit (74) that has a higher throttle resistance than the outlet throttle (66") on the low pressure side. The control chamber also communicates with the low pressure side via the second outlet conduit (74) as well. The control valve of Stoecklein et al., is embodied as a double seat valve having a valve body (76) that is axially adjustable within a valve chamber (78) between two valve seats (80 and 82) where valve seat (82) communicates with the first outlet conduit (66) and the second valve seat (80) communicates with the low pressure side, and the valve chamber (78) communicates with the second outlet conduit (74).

The control chamber (58) of Stoecklein et al. is connected to the high pressure side (52) via an inlet throttle (60) that has a lesser throttle resistance than the outlet throttle (86) of the second outlet conduit (74).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-19 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Stoecklein et al. (US Patent Publication 2002/0134853). The Patent Publication of Stoecklein et al. teaches a fuel injection device for an internal combustion engine as previously discussed in the 102 (b) rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

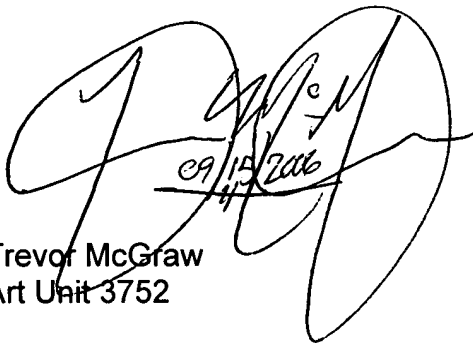
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trevor McGraw whose telephone number is (571) 272-7375. The examiner can normally be reached on Monday-Friday (2nd & 4th Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

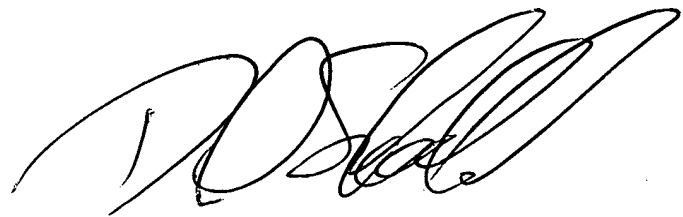
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A large, stylized handwritten signature in black ink, appearing to read 'T McGraw'. A date stamp '09/15/2006' is visible within the signature.

Trevor McGraw
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TEM

A large, stylized handwritten signature in black ink, appearing to read 'D Scherbel'.

David A. Scherbel
Supervisory Patent Examiner
Group 3700